

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of Application of
JILLYNNE ZELLER,

Applicant,

- For an Order -

To Compel AVISTA CAPITAL
HOLDINGS, L.P. to Produce Documents

Respondent.

23-MC-93 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Pending before the Court is Petitioner Jillynne Zeller's motion for an order pursuant to Federal Rules of Civil Procedure 45 and 37 (1) finding non-party Respondent Avista Capital Holdings, L.P. ("Avista") in contempt of a subpoena dated February 21, 2023 (ECF No. 3-4) and (2) requiring Avista to comply with the subpoena by producing responsive documents to be used in an action pending in the United States District Court for the Western District of Michigan.

Petitioner's motion is granted in part. Respondent is directed to produce any documents to which there is no outstanding objection within 21 days of this Order. The parties are further directed to meet and confer for an additional 14 days and then submit one joint letter describing each party's position on any outstanding disputes. Respondent has credibly demonstrated that it has made good faith efforts to comply with the subpoena and to confer with Petitioner's counsel. (*See* ECF No. 6; ECF No. 7.) Petitioner's motion for sanctions and contempt is therefore denied.

The Clerk of Court is directed to close the motion at ECF No. 1.

SO ORDERED.

Dated: May 12, 2023
New York, New York



J. PAUL OETKEN
United States District Judge